

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

23-CR-099(LJV)(JJM)

PETER GERACE JR., *et al.*,

Defendants.

PROTECTIVE ORDER

As part of discovery in this action, the government has provided to counsel for the defendants pre-trial discovery material, including but not limited to: HSI and FBI case materials, investigative materials, materials relating to the execution of various search warrants, video footage, recorded jail calls, laboratory reports, extraction data for various electronic devices that were seized, and other items of evidence, all of which were provided on portable hard drives. The pre-trial discovery contains certain information and material listed in the Addendum¹ that should remain private and not be subject to third-party disclosure. Thus,

It is hereby **ORDERED**, that the information or material set forth in the Addendum shall be used by counsel for the defendants, the defendants, and other attorneys, interns, clerks, licensed investigators, and/or expert witnesses, solely in connection with pretrial,

¹ Upon agreement of the parties, and subject to Court Order, the Addendum may be amended to incorporate additional information and material where appropriate.

trial or other proceedings in this action, including any appeals; and it is further

ORDERED, that the information or material set forth in the Addendum shall not be disclosed to either third parties² or the public by the defendants, counsel, or any agent of counsel or the defendants, or the government or any agent of the government, except as necessary in connection with pretrial proceedings, trial preparation or other proceedings in this action; and it is further

ORDERED, that the unauthorized copying, dissemination, and/or posting of copies, or the contents, of the information or material set forth in the Addendum on the internet including any form of social media, or through any other means, shall constitute a violation of the terms of this order³; and it is further

ORDERED, that no defendant, attorney, or agent thereof, or the government or any agent of the government, shall supply any third parties or the public with any written summaries not otherwise publicly available that include the information or material set forth in the Addendum; and it is further

ORDERED, that nothing in this order shall preclude counsel for the defendants or the defendants, or the government or any agent of the government, from disclosing the information or material set forth in the Addendum during the course of the litigation of this action in pretrial

² Reference to “third parties” in this Order does not include any potential witness that the defendants, counsel, or any agent of counsel or the defendants seeks to interview in connection with pretrial proceedings, trial preparation or other proceedings in this action.

³ This provision does not bar the use of video-conferencing software to view materials covered by this Order between parties otherwise authorized to view them.

proceedings, in memoranda filed, at trial or in post-trial proceedings, except that any identifying information should be redacted from any public filings⁴; and it is further

ORDERED, that any unredacted filings shall not be disclosed to either third parties or the public by the defendants, counsel, or any agent of counsel or the defendants, or the government or any agent of the government, except as necessary in connection with pretrial proceedings, trial preparation or other proceedings in this action; and it is further

ORDERED, that in the event a defendant moves to suppress evidence obtained as a result of the search warrant, counsel may refer to the search warrant application and affidavit filed under seal as necessary to the resolution of the motion, but shall not attach copies of any search warrant applications or affidavits to any publicly filed pleading and shall not disclose the names of any identified unindicted co-conspirators or identified confidential sources by name in any publicly-filed document; and it is further

ORDERED, that counsel for the defendants or the defendants, or the government or any agent of the government, may apply to the Court for an order specifically permitting public disclosure of the information or material set forth in the Addendum beyond acts authorized by this order, and no presumption against modification shall apply; and it is further;

ORDERED, that upon written agreement by and between the parties, filed on the docket, this order may be supplemented by amendments to the Addendum identifying additional information or items of discovery; and it is further

ORDERED, that at the conclusion of the litigation of this action, including any direct appeal or collateral challenges, counsel for the defendant and the defendant shall return all copies of the

above- mentioned material to the government immediately upon request of the government, or certify to the government that such material has been destroyed.

Dated: October 9, 2024

/s/Jeremiah J. McCarthy
JEREMIAH J. MCCARTHY
United States Magistrate Judge

⁴ Consistent with the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files, “identifying information” includes dates of birth, home addresses, names of minor children, financial account numbers, Social Security numbers.

Addendum A: Protected Information & Material

- 1) Identifying and personal information as follows:
 - a. The date of birth, home address, email address, license plate number, financial account numbers, or Social Security of Crystal Quinn;
 - b. The date of birth, home address, email address, license plate number, financial account numbers, or Social Security numbers of any potential witness;
 - c. The financial account numbers or Social Security numbers of any defendant;
- 2) Any image or video that meets the following criteria: (a) depicts Crystal Quinn and/or any private individual who may be a potential witness; (b) does not include any of the defendants; and (c) is not independently available from a public source;
- 3) Any item, including any document or digital file that contains any of the information or material referenced in paragraph 1-2, above, unless that material has been fully redacted from the item (see appendix for non-exhaustive list of items, below);
- 4) The content of any cellular device, excluding incoming or outgoing communication involving (a) Crystal Quinn; (b) any potential witness; or (c) any of the defendants, subject to the limitations of paragraphs 1-3, above;
- 5) The content of any lab report, excluding information specifically relevant to the cause of death for Crystal Quinn; and
- 6) Any search warrant application, including the attached affidavit(s) and other documents, excluding information contained therein that is available from other sources.

Appendix of Bate-Stamped Material that Contains Confidential Material

This list identifies specific items by their bate-stamped page numbers that contain information identified as confidential by the Protective Order Addendum. This list is not necessarily exhaustive, and attorneys will be responsible for reviewing individual items of discovery to determine whether it contains information covered by the Addendum.

<ul style="list-style-type: none">• Item at Bate-00081 to Bate-00082• Item at Bate-00084 to Bate-00085• Item at Bate-00088 to Bate-00089• Item at Bate-00092 to Bate-00092• Item at Bate-00366 to Bate-00390• Item at Bate-00468 to Bate-00524• Item at Bate-00525 to Bate-00525• Item at Bate-00526 to Bate-00532• Item at Bate-03563 to Bate-03567• Item at Bate-03788 to Bate-03792• Item at Bate-03799 to Bate-03801• Item at Bate-03981 to Bate-03982• Item at Bate-03983 to Bate-03983• Item at Bate-03986 to Bate-03986• Item at Bate-10672 to Bate-10672• Item at Bate-10695 to Bate-10696• Item at Bate-10703 to Bate-10703• Item at Bate-10710 to Bate-10710• Item at Bate-10714 to Bate-10715• Item at Bate-10717 to Bate-10720• Item at Bate-10736 to Bate-10737• Item at Bate-22615 to Bate-22618• Item at Bate-22619 to Bate-22619	<ul style="list-style-type: none">• Item at Bate-23901 to Bate-23905• Item at Bate-23906 to Bate-23910• Item at Bate-23911 to Bate-23915• Item at Bate-23996 to Bate-24000• Item at Bate-24101 to Bate-24105• Item at Bate-24106 to Bate-24110• Item at Bate-24111 to Bate-24115• Item at Bate-24116 to Bate-24120• Item at Bate-24950 to Bate-24950• Item at Bate-26129 to Bate-26131• Item at Bate-26132 to Bate-26133• Item at Bate-26134 to Bate-26137• Item at Bate-26138 to Bate-26139• Item at Bate-26140 to Bate-26144• Item at Bate-26145 to Bate-26147• Item at Bate-26148 to Bate-26150• Item at Bate-26151 to Bate-26152• Item at Bate-26153 to Bate-26156• Item at Bate-26157 to Bate-26159• Item at Bate-26991 to Bate-26992• Item at Bate-26999 to Bate-27012• Item at Bate-29210 to Bate-29210• Item at Bate-29211 to Bate-29212
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